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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/905,423
	Filing Date	07/13/2001
	First Named Inventor	Patrick H. Hayes
	Art Unit	2629
	Examiner Name	Shapiro, Leonid
Total Number of Pages in This Submission	6	81230.62US2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hayes et al.)	Examiner:	Shapiro, Leonid
)		
Serial No.:	09/905,423)	Art Unit:	2677
)		
Filed:	July 13, 2001)	Attny Doc.:	81230.62US2
)		
Title:	System And Method For)		
	Using A Hand Held Device)		
	To Display Product)		
	Information)		

REPLY BRIEF

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Appellant hereby submits this Reply to the Examiner's Answer dated November 7, 2006.

This Reply Brief is being filed in triplicate.

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By: _____

Ranni Matar

REMARKS

In accordance with 37 CFR §§ 41.41(a)(1) and 41.43(b), Appellant hereby submits this Reply Brief in response to the Examiner's Answer.

It is first respectfully submitted that the Examiner's Answer demonstrates that the rejection of the claims under 35 U.S.C. § 103 failed to consider the claims "as a whole" as is required but instead demonstrates that the rejection of the claims under 35 U.S.C. § 103 was made by impermissibly distilling the claims down to a "gist" or "thrust" which "gist" or "thrust," it is further respectfully submitted, is contrary to that which is actually set forth within the claims when the claims are considered "as a whole." Specifically, the Examiner has asserted that the "Appellant's invention relates to a wide class of devices which communicating on Internet or any similar type of network." (Examiner's Answer, pg. 10). The Examiner then asserted that, within this wide class of devices, "[a]ll of those devices operate in different manners so identifying **themselves** is necessary in order to retrieve different information from the network." (Id., emphasis added). For this reason, the Examiner concluded that Daum must inherently disclose the subject matter claimed since "it is inherent during interface with a remote device to identify an appliance (portable computer, PDA's, portable telephone) and after that receive the needed information." (Id.). That the rejection was based upon an understanding of the claims that was further distilled down to a "gist" or "thrust" is further evidenced by Examiner's statement that "it would appear that Appellant is trying to reinvent basic Internet communication protocol, that is notoriously well known in the prior art." (Id.).

Turning now the claims, the claims are not generally directed to devices that identify *themselves* to a network in order to retrieve information but, when considered "as a whole" as is required, are instead directed to systems and methods in which a hand-held device uploads data

to a Web server that functions to identify *a different, further appliance* to thereby specifically retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with that different, further appliance, i.e., a user's manual for that different, further appliance. Thus, since the rationale provided in the Examiner's Answer in support of the rejection of the claims: a) clearly reflects a distilled interpretation of the claims that is, in fact, contrary to that which is actually set forth within the claims when the claims are considered "as a whole;" and b) relies upon inherent disclosure within the cited references that, while possibly relevant to the Examiner's incorrect, distilled interpretation of the claims, is not relevant to that which is actually set forth within the claims when the claims are considered "as a whole," it is respectfully submitted that the Examiner's Answer itself evidences that the rejection of the claims under 35 U.S.C. § 103 was impermissibly rendered. Therefore, it is respectfully submitted that, contrary to the position taken by the Examiner, it simply cannot be said that the expressly claimed "entering into (or storing within) a hand-held device data that functions to identify a consumer appliance" or "uploading the data that functions to identify the consumer appliance" to thereby retrieve a human-readable document is *inherently* taught by Daum. For this reason as well as the many additional reasons set forth within the Appellant's Appeal Brief, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 103 fails to present a present a *prima facie* case of obviousness and must be withdrawn.

It is further respectfully submitted that the claims must be found to be allowable since the Examiner's Answer continues in failing to clarify how a "diagnostic routine" can be read as being an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of a consumer appliance, i.e., a user's manual. As discussed in Appellant's Appeal Brief and not further addressed in the Examiner's

Answer, a diagnostic routine, which must be interpreted as being a sequence of instructions readable by a computer, is the antithesis of a human readable user's manual.

It is still further respectfully submitted that the claims must be found to be allowable since the Examiner's Answer continues to rely upon an incorrect reading of Daum. As discussed in Appellant's Appeal Brief and not further addressed in the Examiner's Answer, Daum simply does not disclose that "diagnostic information" is stored by appliance type and serial number as asserted by the Examiner but instead discloses that "diagnosis information" is so stored, i.e., the results of a diagnostic routine that has been previously executed upon a given appliance.

As particularly concerns claim 23, it is respectfully submitted that the Examiner's Answer fails to address the Appellant's arguments that nothing within Daum can be said to disclose the claimed browser application which reads from memory the data that functions to identify the consumer appliance and which functions to retrieve a user's manual for that appliance from a Web server located *at an address which is mapped within the hand-held device to that same data that functions to identify the consumer appliance*. Since it is evident that Daum fails to expressly or inherently disclose these specifically recited claim elements, as discussed in the Appellant's Appeal Brief, it is respectfully submitted that claims 23-27 must be found to allowable over the art of record.

As further concerns the rejection of claims 10, 16, and 27, it is respectfully noted that the Examiner's Answer continues to fail to provide any explanation as to how or why one of skill in the art would have been led by the disclosure within Allport to modify Daum to arrive at the expressly recited system in which the data that is used to set-up a remote control to control an appliance is also used to retrieve a user's manual for that appliance from a Web server.

Accordingly, it is respectfully submitted that claims 10, 16, and 27 continue to be allowable over

the art of record as a *prima facie* case of obviousness with respect to these claims has never been presented.

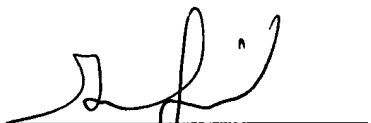
Conclusion

It is again respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Board is respectfully requested.

Respectfully Submitted;

Date: November 16, 2006

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